

REMARKS

Prior to this Amendment, claims 1-9 were pending in the Application. Claims 1, 3-5, 8 and 9 are amended herein. New claims 10-15 have been added. Thus, claims 1-15 are pending for reconsideration of which claims 1, 8 and 9 are the only independent claims.

Information Disclosure Statement

Applicant has submitted herewith an Information Disclosure Statement pursuant to 37 CFR § 1.97(c) including the fee set forth in 37 CFR § 1.17 (p).

Amendments to the Specification

In response to the Examiner's objection, Applicant has amended the title to further describe the claimed invention.

Additionally, the Specification has been amended to include a new paragraph following paragraph [0020] to disclose the names of the parties to a joint research agreement pursuant to 35 U.S.C. § 103(c)(3).

The Specification is further amended at paragraph [0027] to include the specific language of originally filed claim 2 in the description of the invention. Although, Applicant disagrees with the Examiner's objection as to the antecedent basis for the language of claim 2, Applicant has amended the Specification to include the specific language of claim 2 as originally filed and thereby obviate the objection. No new matter has been added to the Specification.

Claim Amendments

Claims 1, 8 and 9 are amended herein to comply with 35 U.S.C. § 101. Claims 1, 3-5, 8 and 9 have also been amended as set forth above for clarification purposes and to better comply with U.S. customary standards.

Additionally, claims 8 and 9 have been amended to remove the optional limitations. New claims 10-15 which depend from claim 9 have been added to include the subject matter set forth in original claim 9 as optional limitations. No new matter has been added to the claims.

Claim Rejections

Claims 1-9 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

As amended herein, claims 1-9 are in compliance with 35 U.S.C. § 101. Accordingly, the rejection of claims 1-9 under 35 U.S.C. § 101 should be withdrawn and this action is respectfully requested.

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,005,853 to Tsao et al. (hereinafter "Tsao") in view of U.S. Patent No. 6,529,001 to Mock (hereinafter "Mock").

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsao and Mock in view of U.S. Patent No. 6,411,089 to Anand et al. (hereinafter "Anand").

Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsao and Mock in view of U.S. Patent No. 6,771,068 to Dale et al. (hereinafter "Dale").

The above-identified rejections of claims 1-9 under 35 U.S.C. § 103(a) are each based on the Tsao patent as a primary reference. Applicants submit herewith a Statement as to Joint Research Agreement pursuant to 35 U.S.C. § 103(c)(2) stating that the claimed invention and the subject matter of the Tsao patent were made by or on behalf of the parties to a Joint Research Agreement within the meaning of 35 U.S.C. § 103(c); and the claimed invention was made as a result of activities undertaken within the scope of the Joint Research Agreement. (See attached, Statement as to Joint Research Agreement). The Specification has been amended as set forth above, to disclose the names of the parties to the Joint Research Agreement. Accordingly, pursuant to 35 U.S.C. § 103(c)(2), the claimed invention and the subject matter of the Tsao patent are deemed to be commonly owned at the time the claimed invention was made. Thus, the Tsao reference is not considered prior art against the

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claimed invention and the rejections of claims 1-9 under 35 U.S.C. § 103(a) based on the Tsao reference should be withdrawn. Accordingly, claims 1-9 are deemed patentable and allowance thereof is respectfully requested.

New claims 10-15 depend either directly or indirectly from claim 9 and include additional limitations. Since claim 9 is deemed allowable for at least the above-identified reasons, new claims 10-15 which depend from claim 9 should also be allowable.

CONCLUSION

In view of the foregoing, it is believed that pending claims 1-15 of this application are in condition for allowance and such action is earnestly solicited.

No fees are believed to be owed in connection with filing this Response to Office Action. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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